

NOTICE OF THE PUBLIC ACCESS REQUIREMENTS FOR INDIVIDUALS WITH DISABILITIES

This Notice provides you with important information regarding your obligations under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12181 *et. seq.* This Notice does not completely describe the requirements of the ADA and must not be relied upon as legal advice. This Notice is intended to make you aware of the existence of the ADA, inform you of possible penalties for your failure to comply and provide you with sources you can contact if you need additional information.

It is your responsibility to learn the requirements of the ADA and fully comply with its provisions. Your failure to do so may result in penalties including liability for damages, attorney’s fees and costs and significant civil money penalties.

The Americans with Disabilities Act of 1990 is a Federal civil rights law that provides important legal rights to some 50 million Americans with disabilities. Title III of the ADA was enacted to eliminate the obstacles faced by persons with disabilities in obtaining the full and equal enjoyment of the goods and services provided by America’s businesses. Title III of the ADA became effective on January 26, 1992.

Title III of the ADA applies to *places of public accommodation and commercial facilities*. **It is your responsibility to seek additional information and determine whether the law applies to your business.** However, if you own, lease, lease to or operate a business that invites the public into a facility to do business, then your establishment probably is subject to Title III of the ADA. Examples of *public accommodations* include, but are not limited to, hotels, motels, restaurants, bars, theatres, stadiums, auditoriums, bakeries, grocery stores, shopping centers, banks, shoe shops, dry cleaners, professional offices, gas stations, libraries, museums, parks, schools, gyms and most other business establishments that invite the public in to do business.

DISCRIMINATION PROHIBITED

The ADA prohibits places of public accommodation from discriminating against an individual with a disability. It is unlawful to deny participation to, or provide a separate or unequal benefit to an individual or class of individuals on the basis of their disabilities. Goods, services, facilities, privileges, advantages and accommodations must be provided in the most integrated setting possible.

For example, it is unlawful for a place of public accommodation or commercial facility to: 1) Impose or apply eligibility criteria that screen out individuals with disabilities from full participation in and equal enjoyment of any goods, services, facilities, privileges, advantages and accommodations; 2) Fail to make reasonable modifications in policies, practices or procedures when such modifications are necessary to afford persons with disabilities equal access; 3) Fail to provide auxiliary aids and services to prevent individuals with disabilities from being segregated or denied equal participation or access; or 4) Fail to remove architectural and communication barriers that are structural in nature in existing facilities.

This is not a complete list of prohibited activities. It is your responsibility to familiarize yourself with the requirements of the law and fully comply with its provisions.

EXAMPLES OF BARRIER REMOVAL

Structural barriers in your place of business may deny equal access to persons with disabilities and violate the ADA. All public accommodations must remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable. Some examples of steps you may be required to take to remove barriers to equal access by persons with disabilities include, but are not limited to, the following: 1) Installing ramps; 2) Making curb cuts in sidewalks and entrances; 3) Repositioning shelves; 4) Rearranging tables, chairs, display racks, vending machines and other furniture; 5) Repositioning telephones; 6) Installing visual alarms; 7) Widening doors; 8) Installing accessible door hardware; 9) Installing grab bars in toilet stalls; 10) Rearranging toilet partitions to

increase maneuvering space; 11) Insulating lavatory pipes to prevent burns; 12) Creating designated accessible parking spaces; and 13) Removing high pile, low density carpeting.

This list is not exhaustive. It is your responsibility to familiarize yourself with the requirements of Title III of the ADA. Title III requires that you inspect your establishment and remove barriers to equal access in compliance with the applicable regulations located at 28 CFR Part 36. Your failure to comply with the ADA may result in penalties including damages, attorney's fees and costs and significant civil money penalties.

The State of Florida enacted the Florida Americans with Disabilities Accessibility Implementation Act, Sections 553.501-.513, Florida Statutes. The purpose of the Act is to incorporate into the laws of the State of Florida the accessibility requirements of the ADA, while at the same time maintaining those provisions of Florida law that are more stringent than the ADA.

Construction, alterations and barrier removal performed in the State of Florida must comply with the ADA and the Florida Accessibility Code for Building Construction.

SOURCES OF ADDITIONAL INFORMATION

You may obtain additional information about the specific requirements of the ADA from the following agencies:

Governor's Commission on Disabilities (850) 487-3423 (Voice)
4030 Esplanade Way (850) 410-0684 (TTY)
Suite 315K
Tallahassee, FL 32399-0950
dms.myflorida.com/other_programs/commission_on_disabilities

U.S. Department of Justice (800) 514-0301 (Voice)
Disability Rights Section (800) 514-0383 (TTY)
Civil Rights Division
PO Box 66738
Washington, DC 20035-6738
www.usdoj.gov/crt/ada/adahom1.htm

CENTERS FOR INDEPENDENT LIVING

Pensacola (850) 484-5444	St. Petersburg (727) 577-0065
Tallahassee (850) 575-9627	Tampa (813) 975-6560
Gainesville (352) 378-7474	Winter Park (407) 623-1070
Jacksonville (904) 399-8484	Cocoa Beach (407) 784-9008
Sarasota (800) 299-0297	Miami (305) 379-6650
Ft. Myers (941) 277-1547	West Palm Beach (561) 966-4288